IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.67 OF 2005

IN

CIVIL APPLICATION NO.58 OF 2005

AND

CIVIL APPLICATION NO.59 OF 2005

IN

CONTEMPT PETITION NO.436 OF 2004

IN

LATTERS PATENT APPEAL NO.83 OF 2000

IN

WRIT PETITION NO.4176 OF 1998

Dhananjay Janardhan Patil & anr. ..Applicants.

Vs.

Baburao Jayaram Dhanu & Ors. ..Respondents.

....

Mr.V.A.Gangal for the Applicants.

Mr.Y.S.Jahagirdar, Senior Advocate with

Mr.R.P.Lote for Respondent Nos.1 to 8.

Mr.S.C.Nikalje, Representative of the Court

Receiver present.

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CORAM : DR.D.Y.CHANDRACHUD, J.

23rd December, 2005.

P.C. :

This Civil Application has been taken out by the co-operative society and its chairman, who are respectively the Third and Fourth Respondents to the Contempt Petition. After the order of this Court dated 9th December, 2005 the society has stated before the Court that in compliance with the order of the Division Bench dated 1st September, 2004, against which Special Leave Petitions were dismissed by the Supreme Court on 18th August, 2005 (SLP (Civil) 26259 of 2004 and SLP (Civil) 704 of 2005), the society has been advised to fully implement the orders of the Court. Counsel appearing for the society and its chairman states that the keys of eight flats have been handed over to the Receiver and that the Receiver has placed the eight applicants in the Contempt Petition in possession. Accordingly, Consent Terms have been arrived at been the co-operative society on the one hand and the eight flat purchasers who are covered by the order of the Division Bench of this Court.

The Consent Terms are taken on record and marked as 'X'. The Court has been informed that the eight flat purchasers have in compliance with the order of the Court each deposited demand drafts of Rs.2,13,000/- with the Court Receiver which the Receiver shall in turn hand over to the co-operative society. In view thereof, rule shall stand discharged in the Contempt Petition against the co-operative society and its chairman (Respondents 3 and 4).

On the request of the parties, it is clarified that the handing over of membership forms to the co-operative society has taken place in pursuance of the position as it emerges upon the judgment of the Division Bench of this Court. The Court Receiver shall stand discharged.

The Civil Application is accordingly disposed of.